

## **REMARKS**

### **Non-Compliant Amendment**

The Notice of Non-Compliant Amendment of October 26, 2010, indicated that Applicants amendment of April 6, 2010 would not be entered due to an improper status identifier for claims 19 and 36. Applicants have amended the status identifier and present again below the arguments of the response of April 6, 2010.

### **Status of the Claims**

Claims 19-22, 24, 25, and 28-45 are currently pending and under examination. Claims 1-18, 23, 26, and 27 have been canceled without prejudice or disclaimer of the subject matter claimed therein.

### **Amendments to the Claims**

Claims 19, 22, 29, 25, 26, and 43 have been amended. Representative support for the amendments can be found in the claims, especially claim 22, as originally filed. The amendments to the claims do not add prohibited new matter.

### **Rejection under 35 U.S.C. § 112, second paragraph**

Claims 29, 40, and 41 are rejected under 35 USC § 112, second paragraph for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

The Office Action alleges that recitation of “Ava” and “Bpa” lack antecedent basis and that claims 40 and 41 depend from canceled claims. Applicants have amended the claims to address this. In view of Applicants amendments, it is believed that the basis of this rejection has been overcome, and it is accordingly respectfully requested that this rejection be withdrawn.

### **Rejection under 35 USC § 112, first paragraph**

Claims 32, 33, and 45 are rejected under 35 USC § 112, first paragraph, for allegedly failing to comply with the enablement requirement.

A. The Office Action alleges that the claims are not enabled for containing subject matter not described in the specification in such a way as to enable one skilled in the art to make and/or

use the invention. The Office Action alleges that the specification does not enable the prevention of various diseases and disorders. Without acquiescing to the merits of this rejection, Applicants have amended the claims. In view of Applicants amendments, it is believed that the basis of this rejection has been overcome, and it is accordingly respectfully requested that this rejection be withdrawn.

B. The Office Action also alleges that the claims are not enabled for treating cardiac, cerebral, and pulmonary ischemia, cerebral stroke, traumas, and burns. Without acquiescing to the merits of this rejection, Applicants have amended the claims. In view of Applicants amendments, it is believed that the basis of this rejection has been overcome, and it is accordingly respectfully requested that this rejection be withdrawn.

### Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request entry of the amendments, reconsideration and the timely allowance of the pending claims. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, she is invited to telephone the undersigned at their convenience.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: **November 24, 2010**  
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Respectfully submitted,  
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/Zachary Derbyshire/

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